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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,573

03/29/2004

Mark Thomas

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3693

8791

7590

11/29/2005

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EXAMINER

NEILS, PEGGY A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,573

Applicant(s)

THOMAS ET AL.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 64-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 64-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/16/2005</u> | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments with respect to claims 1-63, which were previously pending in the application have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection is set forth below.

***Claim Objections***

Claims 19, 20, 69, 70, 71 and 72 are objected to because of the following informalities: Claim 1 sets forth a positioning means to position the light source. The limitations of the dependent claims of 19 and 20 are not disclosed as positioning the light source but merely conducting the light from the light source. There does not appear to be any support in the disclosure or drawings of a waveguide or micro-optic prism array of functioning to actually position the light source. Claim 64 sets forth a structural element which mounts the light source. Dependent Claims 69, 70, 71 and 72 contain the limitation that the structural element is a light projector. The specification sets forth that the light projector conducts the light from the light source. There does not appear to be any support in the disclosure or drawings for a light projector functioning to actually position the light source. Also Claim 72 depends on Claim 64 but the optical element is not set forth in the Claim 64. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 13-15, 64-68 and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Franklin.

Franklin shows an illuminated hubcap, which includes cap 10, which is part of hubcap "D", a lamp 7, a reflector 5 for reflecting light through openings 8 and 9. As set forth in the disclosure in column 2, beginning at line 15, the reflector functions to direct the light from the light source through the openings 8 and 9 through the closed end 10 of the hubcap. The hubcap would necessarily be attached to the wheel (Claims 4, 7, 8). Cap 10 of hubcap is readable as a shield/shade (Claims 9 and 66). The cap 10 also functions to position the light source (Claim 15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 16-18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin.

Regarding Claim 5, element 5 is merely disclosed as being a reflector. The disclosure is silent as to whether the reflector is made from a reflective material or a coating. As the end result is the reflector functioning to reflect the light out openings 8 and 9, how the reflective surface is made is a method of making limitation and either way would

accomplish the desired end result of reflecting light. Franklin shows cap 10 supporting the light source. To use a cross-beam is an alternative manner of support which does not accomplish anything more than the support of Franklin. The manner of support is design choice. Since the hubcap is attached to the wheel, the wheel assists in positioning the lighting assembly (Claim 18). Franklin uses only one light source. To use more than one is a mere multiplicity of elements. It would be obvious to one skilled in the art that if more illumination is required either a brighter light source or more light sources should be used.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin in view of Sunderhauf.

Sunderhauf shows an illuminated wheel wherein light is reflected through openings 14 with a back surface of the cover plate having a reflective coating. Franklin does not state whether the inside surface of cap 10 has a reflective surface. However, it would have been obvious to one skilled in the art that Franklin could be modified to include a reflective surface in the same manner as taught by Sunderhauf because both references are directed to the indirect illumination of a wheel.

Claims 11, 12, 19, 20, 69 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin in view of Papadakis.

Papadakis teaches that it is known in the art to use a light guide to transmit light from a light source to illuminate a wheel indirectly. As shown in Figure 2, the intent of the light emitting from the light source is to be reflected from chrome wheel surface at 138. In the absence of any unobvious or unexpected results the choice of type of


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optical element to transmit light would be a design choice depending on space and illumination requirements. It would be obvious to one skilled in the art that Franklin could be modified to use an optical element to assist in transmitting light to the reflector in the same manner as taught by Papadakis because both references are directed to illumination a wheel.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller is cited of interest.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.



Sandra O'Shea  
Supervisory Patent Examiner  
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